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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,138	12/29/1999	ERIK L. SMITH	2685/5393	1912

23838 7590 12/27/2002

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WASHINGTON, DC 20005

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 12/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/474,138

Applicant(s)

SMITH, ERIK L. *AS*

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 11/04/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

2. Claims 1-4, 7, 8, 10-16, 18, 19, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Harlow et al. (U.S. Patent 5,206,901).

Regarding claim 1, Harlow discloses a method for forwarding an incoming call addressed to one of a plurality of Directory Numbers belonging to a subscriber, including: receiving an incoming call to a fixed-site device at one of a plurality of numbers belonging to the subscriber (col. 4, lines 35-41); determining that a busy/no-answer condition exists for the fixed-site device (col. 4, lines 58-59); consult a call forward setting for the subscriber (col. 4, lines 52-54); and performing a call forwarding action to a mobility device based upon the call forward setting of the subscriber (col. 5, lines 43-48).

Regarding claims 2, 10, and 11, Harlow discloses the fixed site device is a fixed-site telephone belonging to the subscriber, and the incoming call or performing a call forwarding is received at a Class 5 Switch associated with the subscriber's fixed-site telephone (col. 5, lines 61-67).

Regarding claims 3 and 4, Harlow discloses the Class 5 Switch attempts to deliver the incoming call to the subscriber's fixed-site device, determines that a busy/no-answer condition exists at the device, consults the subscriber's call forward setting, wherein the call forward setting is stored in the Class 5 Switch, and based upon the subscriber's call forward setting,

forwards the call to a mobility device belonging to the subscriber or sending the call to a Mobile Switching Center associated with the Directory Number of the subscriber's mobility to the subscriber (col. 5, lines 22-48 and col. 8, lines 28-45).

Regarding claims 7 and 12, Harlow discloses detecting a busy/no-answer condition at the mobility device, and routing the call to voice mail (col. 6, lines 48-54).

Claim 8 is rejected for the same reasons as claim 1. Incoming call to a fixed-site device then forwarded to a mobility device or vice versa are treated the same (col. 5, lines 39-60).

Claims 13 and 18 are rejected for the same reasons as claim 1. Harlow teaches a medium/memory coupled to processor for storing instructions (Fig. 1, 170).

Regarding claim 14, Harlow discloses the instructions are adapted to be executed by a processor in a Class 5 Switch (Fig. 1, 110, 120, and 130).

Claim 15 is rejected for the same reasons as claim 13. Harlow discloses a medium storing instructions adapted to be executed by a processor (Fig. 1, 130).

Regarding claim 16, Harlow discloses the instructions are adapted to be executed by a processor in a Mobile Switching Center (Fig. 1, 133).

Claim 19 is rejected for the same reasons as claim 15 and 18.

Regarding claims 21 and 22, are rejected for the same reasons as claim 19. Harlow discloses formulate a routing instruction based upon subscriber profile, and the routing instruction to an external switch (col. 5, lines 62-67 and Fig. 1, 110, 120, and 130).

***Claim Rejections - 35 USC § 103***

3. Claims 5, 6, 9, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. (U.S. Patent 5,206,901).

Regarding claims 5, 6, 9, 17, and 20, Harlow discloses the steps of: receiving/sending a request for routing information from the Mobile Switching Center (Fig. 1, 130); sending/receiving routing information based upon the subscriber profile (col. 5, lines 49-60). However, Harlow does not disclose Home Location Register. The Home Location Register is obvious in mobile communication.

### *Response to Arguments*

4. Applicant's arguments filed 11/04/02 have been fully considered but they are not persuasive.

Applicant argues that Harlow does not teach forwarding a call from a first device that is either busy or does not answer to a second device. Examiner respectfully disagrees. Harlow teaches (Col. 8, lines 28-45) that after the called number is ringing for a period of time, for example, five rings, the call is forwarded to a second telephone number.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eisdorfer et al. (U.S. Patent 5,706,339) teach Technique for use in processing personal telephone calls. Slusky (U.S. Patent 5,487,111) teaches telecommunications system sequence calling.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry, please label the response "EXPEDITED PROCEDURE")

or: (703) 308-6296, (for informal or draft communication, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
December 23, 2002

A handwritten signature in black ink, appearing to read "Ahmad F. Matar".

**AHMAD F. MATAR**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700